IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7560 OF 2006

Children's Home Society & Family Services ... Petitioners

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. Abhay Nevagi with Ms. Anita Chaukulkar i/b M/s. Paras Kuhad & Associates for the petitioners.

Mr. V.P. Malwankar, A.G.P. for the State.

CORAM : SMT. RANJANA DESAI &
V.M. KANADE, JJ.

DATED : 21ST NOVEMBER, 2006.

P.C.:-

1. We have heard the learned counsel for the parties. We have also heard Mr. O. Hareendran, the Scrutiny Officer of respondent 3, who is present in the court.

2. The petitioner-society is a duly licensed agency, having its registered office in the United States of America, dealing with the Child Welfare Adoption and Social programme since the year 1889. According to the petitioner-society, its area of operation is mainly to locate children from all over the world, which may be offered for adoption to prospective parents who are residing in U.S.A. and the petitioner-society achieves this purpose through

well-established inter-country adoption programmes that are fully accredited. According to the petitioner-society, the petitioner-society has helped thousands of families in U.S.A. who were looking for orphaned children who could be adopted, by locating the children from all over the world. The petitioner-society has helped to locate the children for eight families recently from an orphanage viz. Preet Mandir from Pune, India. The names of the prospective adoptive parents are Gurdeep Singh Beraj and Kangan Soni Beraj, Sundar and Ramaa Balasubramaniam, Gaurav and Lisa Kohli, Sanjay Prasad and Vinita Prasad, Lisa Mary Clements, Sajan P. George and Rayvey Maria George, Richard Mark James and Megan E. James, and Kyra and Karl Ginalski.

3. The case of the petitioner-society is that the abovestated prospective adoptive parents, who have been offered adoptive children by the petitioner-society have filed applications before the Family Court, Pune, under section 7 of the Guardians and Wards Act, 1890. It is the case of the petitioner-society that despite the fact that the applications filed by the prospective adoptive parents are pending for a long time, no decision has been taken so far by the Family Court. It is the case of the petitioner-society that the children, who have been identified for adoption have already met their foster parents and in some cases have developed an affinity with them and, as such, it would be appropriate that pending disposal of the applications before the Family Court, the children should be given to the care of the adoptive parents.

4. The primary relief claimed in the petition is that the Family Court, which is seized of the adoption matters should take decision within a reasonable time. We find that no objection can be made to this proposal. Such a direction has been given by this court on 19/10/2006 in Writ Petition No.7005 of 2006, where facts are somewhat similar. Accordingly, we direct the Family Court to take decision within six weeks from today. In case, any of the parents desire to take the children in foster care, they may make appropriate application to the Family Court and the Family Court shall pass appropriate order in accordance with law.

5. Petition is disposed of in the aforestated terms.

6. All concerned to act on the authenticated copy of this order.

[SMT. RANJANA DESAI, J.]

[V.M. KANADE, J.]